



**MCI Telecommunications
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Washington, D.C. 20006

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**FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY**

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October 13, 1995

Mr. William F. Caton
Secretary
Federal Communications Commission
Room 222
1919 M Street, N.W.
Washington, D.C. 20554

DOCKET FILE COPY ORIGINAL

**Re: Local Exchange Carriers' Rates, Terms, and Conditions for Expanded
Interconnection Through Virtual Collocation for Special Access and
Switched Transport, CC Docket No. 94-97, Phase II; Southwestern Bell
Telephone Company's Petition for a Conditional Extension**

Dear Mr. Caton:

Enclosed herewith for filing are the original and four (4) copies of MCI Telecommunications Corporation's Opposition regarding the above-captioned matter.

Please acknowledge receipt by affixing an appropriate notation on the copy of the MCI Opposition furnished for such purpose and remit same to the bearer.

Sincerely yours,

Don Sussman
Regulatory Analyst

Enclosure
DHS

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OCT 13 1995

Before the
Federal Communications Commission
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of

Local Exchange Carriers' Rates,
Terms, and Conditions for
Expanded Interconnection Through
Virtual Collocation for Special Access
and Switched Transport

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CC Docket No. 94-97
Phase II

DOCKET FILE COPY ORIGINAL

**MCI OPPOSITION TO
SOUTHWESTERN BELL TELEPHONE COMPANY'S
PETITION FOR A CONDITIONAL EXTENSION**

I. Introduction

MCI Telecommunications Corporation ("MCI") respectfully submits its comments in opposition to Southwestern Bell Telephone Company's ("SWBT's") Petition for A Conditional Extension, filed October 6, 1995. In its Petition, SWBT requests a two week extension for filing a complete response to Appendix C of the Phase II Designation Order,¹ which was issued by the Common Carrier Bureau on September 19, 1995. SWBT states that in comparison to the other local exchange carriers ("LECs") subject to the Phase II Designation Order, SWBT has many more rate elements for interconnect-designated equipment ("IDE") because of the individual IDE elements filed. MCI urges the

¹ Local Exchange Carriers' Rates, Terms, and Conditions for Expanded Interconnection Through Virtual Collocation for Special Access and Switched Transport, CC Docket No. 94-97, Phase II, DA 95-2001, Order Designating Issues for Investigation, released September 19, 1995 ("Phase II Designation Order").

Commission to deny SWBT's request for an extension of time because its request is without merit. SWBT routinely attempts to delay and obstruct Commission policies aimed at promoting competition in local telecommunications markets. This is no exception.

II. SWBT Routinely Seeks to Delay Competition

SWBT has made it clear through its pleadings, its actions, and its pricing policies that it will do all that it can to thwart the development of competition in local telecommunications markets. As part of its delay tactics, SWBT routinely requests extensions of time in filing data related to expanded interconnection that is demanded by the Commission of all Tier I LECs.

SWBT has attempted to delay the expanded interconnection proceeding at every junction. For example, on September 20, 1994, SWBT requested that it be permitted to file its tariffs for new tandem interconnection signaling services, which was required by the Commission's Third Report and Order.² Rather than filing its tariffs on September 26, 1994, with an effective date of November 10, 1994, SWBT requested that it be permitted to file its tariffs three months late, on December 30, 1994, with an effective date of March 5, 1995. While MCI did not object, it saw no reason why SWBT required the extension of time.

Similarly, on September 26, 1994, SWBT filed a "Contingent" Motion

² Expanded Interconnection with Local Telephone Company Facilities, CC Docket No. 91-141, Transport Phase II, Third Report and Order, (FCC 94-118) 9 FCC Rcd 2718 (1994).

Requesting an Extension of Time to comply with certain requirements of the Commission's Virtual Collocation Order³ and the Common Carrier Bureau's TRP Order.⁴ The Virtual Collocation Order granted interconnectors the right to select the type of central office equipment to be used in virtual collocation and permitted interconnectors to submit such requests for equipment to the LECs by September 1, 1994. MCI submitted identical requests to several LECs. Only SWBT requested additional time because it could not meet the October 3, 1994 deadline which had been set by the Commission. The Commission eventually issued an Order to Show Cause demanding that SWBT explain why it delayed in tariffing the MCI-designated virtual collocation equipment, even after the Commission had denied SWBT's request for an extension of time.

In addition, while every other LEC that was required to file virtual collocation tariffs completed the task by September 1, 1994, SWBT alone filed incomplete tariffs. Similar to the instant request for additional time, in Transmittal No. 2382, filed September 1, 1994, SWBT claimed that it needed more time to complete the task ordered by the Commission because:

Due to the short time (22 business days) allotted for SWBT to establish rate elements for transmission equipment requested by interconnectors, and due to

³Expanded Interconnection with Local Telephone Company Facilities, CC Docket No. 91-141, Memorandum Opinion and Order 9 FCC Rcd 5154 (1994) ("Virtual Collocation Order").

⁴Commission Requirements for Cost Support Material to be Filed with Virtual Collocation Tariffs for Special Access and Switched Transport, Tariff Review Plan Order 9 FCC Rcd 5679 (1994) ("TRP Order").

the lack of specificity in some requests from some interconnectors, and due to the difficulty in obtaining firm quotes for equipment not presently regularly purchased by SWBT, SWBT does not presently have all the information necessary to establish rate elements for all such items of equipment in this filing.

Section 1.46(a) of the Commission's rules states that "[i]t is the policy of the Commission that extensions of time shall not be routinely granted." SWBT has clearly demonstrated that it seeks to delay the Commission's proceeding by routinely requesting extensions of time. SWBT's Petition for A Conditional Extension should thus be denied.

Even if the Commission determines that SWBT's requests for extensions of time have not yet become routine, SWBT's request should be denied because it has no merit. SWBT claims that "compared to the other local exchange carriers subject to the Phase II Designation Order, SWBT has many more rate elements for IDE because of the individual IDE elements filed." SWBT determined how it would structure its virtual collocation tariff. It was its own decision to set up a structure that would result in excessive rate elements.⁵ SWBT should not now be permitted to delay the Commission's virtual collocation proceeding based on its own anti-competitive tariff structure. Thus, SWBT's request for additional time should be denied.

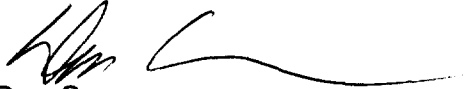
⁵ For example, SWBT is the only carrier that refuses to allow interconnectors to "lease-back" the equipment for one dollar. For over a year interconnectors and LECs alike have stated on the record that such a structure is economically and administratively more efficient.

III. Conclusion

The story seems always to be the same when it comes to SWBT filing information that is essential to the success of the Commission's pro-competitive policies. If filing the information or material could possibly lead towards the development of competition in any of SWBT's monopoly markets, one can more than likely expect SWBT to delay, at least in part, its filing.

For the above-mentioned reasons, MCI urges the Commission to deny SWBT's Petition for a Conditional Extension, filed October 6, 1995.

Respectfully submitted,
MCI TELECOMMUNICATIONS CORPORATION



Don Sussman
Regulatory Analyst
1801 Pennsylvania Ave., NW
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October 13, 1995

STATEMENT OF VERIFICATION

I have read the foregoing and, to the best of my knowledge, information, and belief, there is good ground to support it, and it is not interposed for delay. I verify under penalty of perjury that the foregoing is true and correct. Executed on October 13, 1995.

A handwritten signature in black ink, appearing to read 'Don Sussman', written over a horizontal line.

Don Sussman
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CERTIFICATE OF SERVICE

I, Stan Miller, do hereby certify that copies of the foregoing Opposition were sent via first class mail, postage paid, to the following on this 13th day of October, 1995.

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